

MONTANA LEGISLATIVE HISTORY

Chapter 511 1999

Bill H 864 S _____ Original bill & history C

H. Committee on Education and Cultural Resources S. Committee on Education

Hearing Date(s) Feb 19 ✓C Hearing Date(s) Mar 16 ✓C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1 *House* BILL NO. *864*
2 INTRODUCED BY *Donly Manuel*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC
6 EDUCATION TO ADOPT A SPECIALIST CERTIFICATE; AMENDING
7 SECTIONS 20-2-121, 20-3-205, 20-3-362, 20-4-101 THROUGH
8 20-4-106, 20-4-108 THROUGH 20-4-111, AND 20-4-201 THROUGH
9 20-4-203, MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 20-2-121, MCA, is amended to read:
13 "20-2-121. Board of public education -- powers and
14 duties. The board of public education shall:
15 (1) effect an orderly and uniform system for teacher
16 certification, specialist certification, and for the
17 issuance of an emergency authorization of employment by
18 adopting the policies prescribed by 20-4-102 and 20-4-111;
19 (2) consider the suspension or revocation of teacher
20 or specialist certificates and appeals from the denial of
21 teacher or specialist certification in accordance with the
22 provisions of 20-4-110;
23 (3) administer and order the distribution of state
24 equalization aid in accordance with the provisions of
25 20-9-344;

1 (4) adopt and enforce policies to provide uniform
2 standards and regulations for the design, construction, and
3 operation of school buses in accordance with the provisions
4 of 20-10-111;
5 (5) approve or disapprove a reduction of the number of
6 hours in a district's school day in accordance with the
7 provisions of 20-1-302;
8 (6) adopt policies prescribing the conditions when
9 school may be conducted on Saturday and the types of
10 pupil-instruction-related days and approval procedure for
11 such days in accordance with the provisions of 20-1-303 and
12 20-1-304;
13 (7) adopt standards of accreditation and establish the
14 accreditation status of every school in accordance with the
15 provisions of 20-7-101 and 20-7-102;
16 (8) approve or disapprove educational media selected
17 by the superintendent of public instruction for the
18 educational media library in accordance with the provisions
19 of 20-7-201;
20 (9) as the governing board of the state of Montana for
21 vocational education, adopt the policies prescribed by and
22 in accordance with the provisions of 20-7-301;
23 (10) consider applications for postsecondary
24 vocational-technical center designation in accordance with
25 the provisions of 20-7-311;

1 (11) for the purposes of postsecondary
2 vocational-technical centers, approve or disapprove programs
3 and budgets, direct the distribution of moneys in support of
4 such budgets, determine tuition rates and fees, and enter
5 into lease agreements or real property purchases in
6 accordance with the postsecondary vocational-technical
7 center provisions of the vocational education part of this
8 title;

9 (12) adopt policies for the conduct of special
10 education in accordance with the provisions of 20-7-402;

11 (13) perform any other duty prescribed from time to
12 time by this title or any other act of the legislature."

13 Section 2. Section 20-3-205, MCA, is amended to read:

14 "20-3-205. Powers and duties. The county
15 superintendent has general supervision of the schools of the
16 county within the limitations prescribed by this title and
17 shall perform the following duties or acts:

18 (1) determine, establish, and reestablish trustee
19 nominating districts and fill additional trustee position
20 vacancies in accordance with the provisions of 20-3-352,
21 20-3-353, and 20-3-354;

22 (2) administer and file the oaths of members of the
23 boards of trustees of the districts in his county in
24 accordance with the provisions of 20-3-307;

25 (3) fill by appointment any trustee position vacancies

1 when required under the provisions of 20-3-309;

2 (4) register the teacher or specialist certificate
3 ~~certificates~~ or emergency authorization of employment of any
4 person employed in the county as a teacher, specialist,
5 principal, or district superintendent in accordance with the
6 provisions of 20-4-202;

7 (5) act on each tuition application submitted to him
8 in accordance with the provisions of 20-5-301, 20-5-302,
9 20-5-304, and 20-5-311 and transmit the tuition information
10 required by 20-5-312;

11 (6) file a copy of the audit report for a district in
12 accordance with the provisions of 20-9-203;

13 (7) classify districts in accordance with the
14 provisions of 20-6-201 and 20-6-301;

15 (8) keep a transcript and reconcile the district
16 boundaries of the county in accordance with the provisions
17 of 20-6-103;

18 (9) fulfill all responsibilities assigned to him under
19 the provisions of this title regulating the organization,
20 alteration, or abandonment of districts;

21 (10) act on any unification proposition and, if
22 approved, establish additional trustee nominating districts
23 in accordance with 20-6-312 and 20-6-313;

24 (11) estimate the average number belonging (ANB) of an
25 opening school in accordance with the provisions of

20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(12) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(13) complete the budgets, compute the budgeted revenues and tax levies, give notices of the budget meetings, file final and emergency budgets, and fulfill such other responsibilities assigned to him under the provisions of this title regulating school budgeting systems;

(14) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(15) quarterly, unless otherwise provided by law, order the county treasurer to apportion state moneys, county school moneys, and any other school moneys subject to apportionment in accordance with the provisions of 20-9-212, 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

(16) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(3);

(17) calculate the estimated budgeted general fund sources of revenue in accordance with the provisions of 20-9-348 and the other general fund revenue provisions of the general fund part of this title;

(18) compute the revenues and the district and county

levy requirements for each fund included on each district's final budget and report such computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(19) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(20) for districts which do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

(21) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(22) act on district requests to allocate federal moneys for indigent children for school food services in accordance with the provisions of 20-10-205;

(23) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, or the rules of the superintendent of public instruction;

(24) administer the oath of office to trustees without

1 the receipt of pay for administering the oath;

2 (25) keep a record of his official acts, preserve all
3 reports submitted to him under the provisions of this title,
4 preserve all books and instructional equipment or supplies,
5 keep all documents applicable to the administration of the
6 office, and surrender such records, books, supplies, and
7 equipment to his successor;

8 (26) within 90 days after the close of the school
9 fiscal year, publish an annual report in the county
10 newspaper stating the following financial information for
11 the school fiscal year just ended for each district of the
12 county:

13 (a) the total of the cash balances of all funds
14 maintained by the district at the beginning of the year;

15 (b) the total receipts that were realized in each fund
16 maintained by the district;

17 (c) the total expenditures that were made from each
18 fund maintained by the district; and

19 (d) the total of the cash balances of all funds
20 maintained by the district at the end of the school fiscal
21 year; and

22 (27) hold meetings for the members of the trustees from
23 time to time at which matters for the good of the districts
24 shall be discussed."

25 Section 3. Section 20-3-362, MCA, is amended to read:

1 "20-3-362. Powers of joint board of trustees. (1) When
2 a joint board of trustees is formed as provided by 20-3-361,
3 it shall have the power to:

4 (a) jointly employ a district superintendent under the
5 provisions of 20-4-401;

6 (b) jointly employ teachers and specialists under the
7 provisions of 20-4-201;

8 (c) open a junior high school under the provisions of
9 20-6-505;

10 (d) prescribe and administer joint administrative
11 policy; and

12 (e) prorate all items of joint expense between the
13 elementary and high school districts, provided that a
14 controversy over any decision by the joint board to prorate
15 joint costs may, within 30 days, be appealed by the trustees
16 of either district to the superintendent of public
17 instruction for a final decision as to what constitutes a
18 fair and just proration of the cost.

19 (2) The joint board of trustees shall not have the
20 power to transact business that is not specifically related
21 to the joint administration of the two districts."

22 Section 4. Section 20-4-101, MCA, is amended to read:

23 "20-4-101. System of teacher and specialist
24 certification -- student teacher exception. (1) In order to
25 establish a uniform system of quality education and to

1 ensure the maintenance of professional standards, a system
2 of teacher and specialist certification shall be established
3 and maintained under the provisions of this title and no
4 person shall be permitted to teach in the public schools of
5 the state until he has obtained a teacher certificate or
6 specialist certificate or the district has obtained an
7 emergency authorization of employment from the state.

8 (2) The above certification requirement shall not
9 apply to a student teacher who is hereby defined as a
10 student enrolled in an institution of higher learning
11 approved by the board of regents of higher education for
12 teacher training and who is jointly assigned by such
13 institution of higher learning and the governing board of a
14 district or a public institution to perform practice
15 teaching in a nonsalaried status under the direction of a
16 regularly employed and certificated teacher.

17 (3) A student teacher, while serving such nonsalaried
18 internship under the supervision of a certificated teacher,
19 shall be accorded the same protection of the laws as that
20 accorded a certificated teacher and shall, while acting as
21 such student teacher, comply with all rules of the governing
22 board of the district or public institution and the
23 applicable provisions of 20-4-301 relating to the duties of
24 teachers."

25 Section 5. Section 20-4-102, MCA, is amended to read:

1 "20-4-102. Board of public education policies. To
2 effect an orderly and uniform system of teacher and
3 specialist certification, the board of public education
4 shall, upon the recommendation of the superintendent of
5 public instruction and in accordance with the provisions of
6 this title, prescribe and adopt policies for the issuance of
7 teacher or specialist certificates. Such policies shall
8 provide for:

9 (1) reasonable training and experience requirements
10 for teacher, specialist, supervisor, and administrative
11 certificates and endorsements thereon as provided by the
12 certification classification in 20-4-106;

13 (2) the renewal of teacher or specialist certificates
14 based on the same conditions prescribed for the initial
15 issuance of certificates;

16 (3) the conduct of hearings on teacher or specialist
17 certification revocation, suspension, or denial;

18 (4) the issuance of emergency authorization to a
19 district to employ a person who is not the holder of a valid
20 teacher certificate as an instructor of pupils; and

21 (5) any other policy, not inconsistent with the law,
22 which is necessary for the proper operation of a system of
23 teacher and specialist certification."

24 Section 6. Section 20-4-103, MCA, is amended to read:

25 "20-4-103. Issuance of teacher or specialist

1 certificates. The superintendent of public instruction shall
 2 issue all teacher and specialist certificates in the state
 3 of Montana. In issuing teacher or specialist certificates,
 4 the superintendent of public instruction shall comply with
 5 the provisions of this title and the teacher and specialist
 6 certification policies adopted by the board of public
 7 education. The superintendent of public instruction shall
 8 not issue a teacher or specialist certificate to any person
 9 who does not satisfy the qualifications or other
 10 requirements of this title and of the board of public
 11 education policies for teacher or specialist certification."

12 Section 7. Section 20-4-104, MCA, is amended to read:

13 "20-4-104. Qualifications. (1) Any person may be
 14 certified as a teacher when he satisfies the following
 15 qualifications:

16 (1)(a) He is 18 years of age or older but is not more
 17 than 70 years of age.

18 (2)(b) He has a certificate of a licensed physician
 19 attesting to his satisfactory health.

20 (3)(c) He is a citizen of the United States except as
 21 provided in 20-4-105.

22 (4)(d) He is of good moral and professional character.

23 (5)(e) He has completed the teacher education program
 24 of a unit of the Montana university system or an essentially
 25 equivalent program at an accredited institution in the

1 United States of equal rank and standing as that of any unit
 2 of the Montana university system, and such training shall be
 3 evidenced by at least a bachelor's degree and a
 4 certification of the completion of the teacher education
 5 program, except as provided for in 20-4-106(1)(d).

6 (6)(f) He has subscribed to the following oath or
 7 affirmation before an officer authorized by law to
 8 administer oaths:

9 "I solemnly swear (or affirm) that I will support The
 10 Constitution of the United States of America, The
 11 Constitution of the State of Montana, and the laws of the
 12 United States and the state of Montana and will, by precept
 13 and example, promote respect for the flag and the
 14 institutions of the United States and the state of Montana,
 15 reverence for law and order, and undivided allegiance to the
 16 government of the United States of America."

17 (2) Any person may be certified as a specialist when
 18 he satisfies the requirements of subsections (1)(a) through
 19 (1)(e) and the requirement for a specialist certificate
 20 provided in [subsection (2) of section 9]."

21 Section 8. Section 20-4-105, MCA, is amended to read:

22 "20-4-105. Noncitizen teacher or specialist
 23 certification. (1) The superintendent of public instruction
 24 may issue a class 5 provisional certificate to a person who
 25 is not a citizen of the United States when:

(a) the trustees of a district request certification of such person; and

(b) he otherwise qualifies for at least a class 5 provisional certificate.

(2) The superintendent of public instruction also may issue an annual teacher or specialist certificate to a person who is not a citizen of the United States and who is an exchange teacher or specialist from a foreign country intending to return to that country."

Section 9. Section 20-4-106, MCA, is amended to read:

"20-4-106. Classifications of teacher and specialist certificates. (1) The superintendent of public instruction shall issue teacher certificates and the board of public education shall adopt teacher certification policies on the basis of the following classifications of teacher certificates:

(a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has completed a teacher education program which includes a bachelor's degree and a minimum of 1 year of study beyond such degree in a unit of the Montana university system or an equivalent institution. The professional certificate may be endorsed for elementary instruction, secondary instruction, or both and for specified subject fields on the basis of the applicant's academic and professional training and according

to the board of public education policy for teacher certification endorsement.

(b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the Montana university system or an equivalent institution. The standard certificate may be endorsed for elementary instruction, secondary instruction, or both and for specified subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher certification endorsement.

(c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified applicant who is the holder of a teacher certificate endorsed for teaching in the school or schools in which he would be an administrator or he would supervise. The applicant also shall possess the training and experience required by the policies of the board of public education for an endorsement as superintendent, principal, or supervisor.

(d) The class 4 vocational, recreational, or adult education certificate may be issued to an otherwise qualified applicant who has the qualifications of training and experience required by the United States office of

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education or the qualifications required by the special needs of the several vocational, recreational, or adult education fields and who can qualify under the policy of the board of public education for the issuance of this classification of teacher certification.

(e) The class 5 provisional certificate may be issued to an otherwise qualified applicant who can provide satisfactory evidence of his intent to qualify in the future for a class 1 or a class 2 certificate and who has completed a 4-year college program or its equivalent and holds a bachelor's degree from a unit of the Montana university system or its equivalent. The provisional certificate may be endorsed for elementary instruction, secondary instruction, or both and for special subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher or specialist certification endorsement.

(2) The superintendent of public instruction shall issue specialist certificates and the board of public education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise qualified applicant who has the training, experience, and license required under the standards of the board of public education for the certification of a profession other than the teaching profession.

~~(2)(3)~~ For purposes of evaluating the qualifications of applicants for either teacher or specialist certificates, a year means the instructional period consisting of three quarters or two semesters or other terms which are recognized as an academic year by any unit of the Montana university system or equivalent institution."

Section 10. Section 20-4-108, MCA, is amended to read:

"20-4-108. Term of teacher and specialist certificates -- renewal. (1) Any teacher or specialist certificate issued by the superintendent of public instruction shall bear the dates of issue and validity and shall be valid for a term of 5 school fiscal years, except that class 5 provisional certificates shall be valid for the number of years, up to a maximum of 5 years, provided by the policies of the board of public education. The period of validity for any certificate shall begin on July 1 immediately preceding the date of issue.

(2) Teacher and specialist certificates shall be renewed for similar periods of time on the basis of the board of public education policies for teacher and specialist certification renewal."

Section 11. Section 20-4-109, MCA, is amended to read:

"20-4-109. Fees for teacher and specialist certificates. Each person applying for the issuance or renewal of a teacher or specialist certificate shall pay a

1 fee of \$2 for each school fiscal year that the certificate
2 will be valid. In addition to this fee, each person who has
3 never held any class of Montana teacher or specialist
4 certificate or for whom an emergency authorization of
5 employment has never been issued shall pay a filing fee of
6 \$2. Such fees shall be paid to the superintendent of public
7 instruction, who shall deposit the fees with the state
8 treasurer to the credit of the general fund."

9 Section 12. Section 20-4-110, MCA, is amended to read:

10 "20-4-110. Suspension, revocation, and denial --
11 appeals. (1) The board of public education shall have the
12 power and authority to suspend or revoke the teacher or
13 specialist certificate of any person for any of the
14 following reasons:

15 (a) any reason that would have required or authorized
16 the denial of the teacher or specialist certificate to such
17 person if it had been known at the time such certificate was
18 issued;

19 (b) by reason of incompetency, immorality,
20 intemperance, physical inability, or conviction of a felony
21 under state law; or

22 (c) by reason of the failure of the certificate holder
23 to comply with the terms of any contract between such holder
24 and the trustees of a district without the consent of the
25 trustees in writing or without good cause. Such breach of

1 contract shall constitute unprofessional conduct.

2 (2) Whenever a substantial reason for the suspension
3 or revocation of the teacher or specialist certificate of
4 any person is brought to the attention of the board of
5 public education, it shall afford the person an opportunity
6 to defend himself and his qualifications against the charge
7 before the board. The superintendent of public instruction
8 shall give a 30-day written notification to any person when
9 the board of public education intends to consider the
10 suspension or revocation of his certificate. The board of
11 public education shall implement an investigation of the
12 reasons for the suspension or revocation charge and then, if
13 the investigation warrants further action, conduct a hearing
14 in the manner provided by board of public education
15 policies.

16 (3) After a full investigation and proper hearing, the
17 board of public education may suspend or revoke the person's
18 teacher or specialist certificate, except that in cases of a
19 first violation under subsection (1)(c) above, the maximum
20 penalty shall not be more than a suspension of the person's
21 certificate for the current school fiscal year and the
22 ensuing school fiscal year.

23 (4) Whenever the superintendent of public instruction
24 denies the issuance or the renewal of a teacher or
25 specialist certificate to a person, he may appeal the denial

1 to the board of public education. The appeal shall be heard
2 in the same manner provided for in this section for
3 suspension or revocation and in accordance with the policies
4 of the board of public education. The decision of the board
5 of public education shall be final."

6 Section 13. Section 20-4-111, MCA, is amended to read:

7 "20-4-111. Emergency authorization of employment. (1)

8 Any district may request from the superintendent of public
9 instruction an emergency authorization of employment for a
10 person who is not the holder of a valid teacher or
11 specialist certificate as an instructor of pupils when such
12 district cannot secure the services of a person holding a
13 valid certificate. The person shall have previously held a
14 valid teacher or specialist certificate or shall meet the
15 standards of preparation prescribed by the policies of the
16 board of public education for and during such emergency.

17 Such emergency authorization of employment shall indicate:

18 (a) the district to which such authorization is
19 issued;

20 (b) the person whom the district is authorized to
21 employ;

22 (c) the endorsement for elementary or secondary
23 instruction and the specific subject fields for which
24 authorization to employ such person is given; and

25 (d) the school fiscal year for which such emergency

1 authorization of employment is given.

2 (2) Emergency authorization of employment of a person
3 shall be valid for the school fiscal year identified on such
4 authorization and may be renewed in accordance with the
5 board of public education policies. A fee of \$2 and, if no
6 teacher or specialist certificate or emergency authorization
7 of employment has ever been issued for such person, a filing
8 fee of \$2 shall be paid for the issuance of an emergency
9 authorization of employment. The superintendent of public
10 instruction shall deposit the fees with the state treasurer
11 to the credit of the general fund.

12 (3) Emergency authorization of employment of a person
13 may be revoked for good cause in accordance with the
14 provisions of 20-4-110."

15 Section 14. Section 20-4-201, MCA, is amended to read:

16 "20-4-201. Employment of teachers and specialists by
17 contract. (1) The trustees of any district shall have the
18 authority to employ any person as a teacher or specialis
19 but only a person who holds a valid Montana teacher or
20 specialist certificate or for whom an emergency
21 authorization of employment has been issued that qualifies
22 such person to perform the duties prescribed by the trustees
23 for the position of employment. Each teacher or specialist
24 shall be employed under written contract, and each contract
25 of employment shall be authorized by a proper resolution of

1 the trustees and shall be executed in duplicate by the
2 chairman of the trustees and the clerk of the district in
3 the name of the district and by the teacher or specialist.

4 (2) No contract of employment with a teacher or
5 specialist shall require such teacher or specialist to teach
6 more than 5 days a week or on any holiday recognized by
7 20-1-305. No deduction shall be made from a teacher's or
8 specialist's salary by reason of the fact that a holiday
9 falls on a school day. Any teacher's or specialist's
10 contract made in conflict with the 5-days-per-week provision
11 of this section shall not be enforceable against the teacher
12 or specialist.

13 (3) Whenever the trustees of a county high school and
14 the trustees of the elementary district where the county
15 high school is located form a joint board of trustees under
16 the provisions of 20-3-361, such joint board of trustees may
17 execute a contract of employment with a teacher or
18 specialist who shall serve both districts. When such a
19 contract is executed, the two districts shall prorate the
20 compensation provided by such contract on the basis of the
21 total number of instructional hours expended by such teacher
22 or specialist within each district.

23 (4) Any contract executed under the provisions of this
24 section may contain the oath or affirmation prescribed in
25 20-4-104, and the teacher or specialist shall subscribe to

1 such oath or affirmation before an officer authorized by law
2 to administer oaths."

3 Section 15. Section 20-4-202, MCA, is amended to read:
4 "20-4-202. Teacher and specialist certification
5 registration. (1) Any person employed as a teacher,
6 specialist, principal, or district superintendent shall
7 register his certificate or the district shall register its
8 emergency authorization of employment for a teacher with the
9 county superintendent of the county wherein he is employed
10 in order to validate his employment status and permit
11 payment under his employment contract. If a teacher or
12 specialist does not register his certificate with the county
13 superintendent within 60 calendar days after ~~the teacher~~ he
14 begins to perform his services, he shall not be eligible to
15 receive any further compensation under his contract of
16 employment until he has registered his certificate. After
17 the schools of a district have been open for 60 calendar
18 days in the current school fiscal year, the county
19 superintendent shall notify each district of the county of
20 each teacher or specialist who has registered his current
21 valid certificate, and the district shall not pay any
22 teacher who has not registered his certificate until the
23 county superintendent does notify the district of such
24 registration.

25 (2) A teacher or specialist employed by a joint

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1 district shall register his certificate with the county
2 superintendent of the county in which he is teaching
3 ~~working.~~"

4 Section 16. Section 20-4-203, MCA, is amended to read:

5 "20-4-203. Teacher tenure. Whenever a teacher has been
6 elected by the offer and acceptance of a contract for the
7 fourth consecutive year of employment by a district in a
8 position requiring teacher certification except as a
9 district superintendent ~~or specialist~~, the teacher shall be
10 deemed to be reelected from year to year thereafter as a
11 tenure teacher at the same salary and in the same or a
12 comparable position of employment as that provided by the
13 last executed contract with such teacher, unless:

14 (1) the trustees resolve by majority vote of their
15 membership to terminate the services of the teacher in
16 accordance with the provisions of 20-4-204; or

17 (2) the teacher will attain the age of 65 years before
18 the ensuing September 1 and the trustees have notified the
19 teacher in writing by April 1 that his services will not be
20 needed in the ensuing school fiscal year, except that the
21 trustees may continue to employ such a teacher from year to
22 year until the school fiscal year following his 70th
23 birthday."

-End-

State of Montana
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 11:30 a.m. in Room 5 of the Capitol Annex on Monday, February 19, 1979 by Chairman Peter J. Gilligan.

The roll was taken and shows all committee members present.

The purpose of the meeting was to hear House Bills 328, 811, 855 and 864.

Chairman Gilligan requested Representative Ellerd to explain to the committee House Bill 328 (an act to authorize the charging of tuition to resident and non-resident students at postsecondary vocational technical centers by the Board of Public Education and authorizing the Board of Public Education to prescribe the uses of the tuition).

Proponents of the bill were:

Ellen Feaver, 901 Flowerree, Helena, Mt. (Legislative Auditor's Office)- Ms. Feaver spoke briefly in support of HB 328 and told the committee she would be glad to answer questions concerning fiscal impact of the bill. (See Exhibit 1)

There were no opponents of the bill present. The committee was allowed to question the witnesses and the hearing was closed.

Representative Porter was asked by Chairman Gilligan to explain to the committee House Bill 811 (an act to increase the reimbursement rate for school bus and individual and isolated transportation costs).

Proponents of House Bill 811 were:

Bob Stockton, Administrator, Department of Financial Services, Office of Public Instruction, Helena, Mt. - Mr. Stockton explained the bill to the committee and stated the Office of Public Instruction supports the bill.

There were no opponents of HB 811 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Daily to explain to the committee House Bill 864 (an act to allow the Superintendent of Public Instruction and the Board of Public Education to adopt a specialist certificate for teachers and administrators).

Proponents of House Bill 864 were:

Alve Thomas, Deputy Superintendent, Office of the Superintendent of Public Instruction, Helena, Mt. - "At the present time, there are five classifications of certificates for teachers and administrators. This bill would permit the Board of Public Education to adopt policies for a class six that would include specialists working in the schools particularly in the area of special education." (For complete written testimony, See Exhibit 2)

There were no opponents of House Bill 864 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan asked Representative Azzara to explain to the committee House Bill 855 (an act relating to certification of teachers in the public schools of Montana and to teacher education institutions and programs; creating a teacher standards and practices board; and raising teacher certification fees).

Proponents of HB 855 were:

Philip Campbell, Montana Education Association, 1232 Sixth Ave., Helena, Mt. - Mr. Campbell stated, "The MEA supports HB 855 to create a new board so Montana's teachers can have an effective voice in teacher certification." (See Exhibit 3)

John Board, 1500 17th St. S., Great Falls, Mt. - (President, Montana Education Association) - Mr. Board told the committee he feels this bill would give teachers an opportunity to have some meaningful input into professional matters. (See Exhibit 4)

Opponents of House Bill 855 were:

Leonard H. Sargent, Executive Director, Montana School Boards Association, Helena, Mt. - Mr. Sargent told the committee, "The Montana School Boards Association stands in opposition to HB 855 as has been our position during the past history of this legislation. The position of the MSBA is based on several philosophical beliefs...Members of the committee, two previous legislatures have not found this measure acceptable, even after a two-year interim study. We have the necessary structure to do exactly what needs to be done regarding teacher education and certification through the Board of Education (the Board of Public Education and the Board of Regents). There is no need to set up another board to do essentially the same things." (For complete written testimony, See Exhibit 5)

T. Carl Johnson, School Administrators of Montana, Helena, Mt. - "SAM supports the testimony as presented by the MSBA. MSBA's rationale for opposing this bill clearly points out the pitfalls that are carried in this bill if it should become law. The present system of teacher preparation and certification is working quite well and allows for any group to supply input into the regulations." (See Exhibit 6)

Irving Dayton, Deputy Commissioner of Higher Education, Commissioner of Higher Education's Office, Helena, Mt. - Mr. Dayton spoke briefly in opposition to HB 855.

The committee was allowed to question the witnesses and the hearing on House Bill 855 was closed.

The Education Committee went into Executive Session at this time. Representative Oberg moved that HOUSE BILL 328 DO PASS. The motion carried unanimously.

Representative Eudaily moved that HOUSE BILL 811 DO PASS. The motion carried unanimously.

Representative Porter moved that HOUSE BILL 864 DO PASS. The motion carried unanimously.

Representative Anderson moved that House Bill 105 Do Pass. There was discussion among the committee members. Representative Oberg made a substitute motion that HOUSE BILL 105 DO NOT PASS. The motion carried with Representatives Kvaalen, Anderson and Pistoria voting no.

Representative Lory moved to AMEND House Bill 480, to clarify the language of the bill. The motion carried unanimously. Representative Lory moved AS AMENDED, HOUSE BILL 480 DO PASS. The motion carried unanimously.

Representative Oberg moved to Table House Bill 295. Representative Lund made a substitute motion that HOUSE BILL 295 DO PASS. There was discussion among the committee members. Representative Oberg withdrew his motion. The substitute motion carried with Representatives Oberg and Uhde voting no.

Representative Kemmis moved to AMEND House Bill 880 to require no more than 3 credit hours of Indian Studies instruction. The motion carried 8-6, with Representatives Lory, Reichert, Daily, Teague, Pistoria and Oberg voting no. Representative Uhde moved that HOUSE BILL 880, AS AMENDED, DO PASS. The motion carried, 16-1 with Representative Oberg voting no.

Representative Uhde moved that HOUSE BILL 855 DO PASS. The motion carried, 9-7, with Representatives Uhde, Porter, Eudaily, Lund, Nordtvedt, Lory, and Kvaalen voting no.

The meeting adjourned at 1:55 p.m.


Peter J. Gilligan, Jr., Chairman

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Senator Fasbender made a substitute motion to amend the bill as per the attached committee report (attachment #3). The motion carried unanimously.

Senator Thomas moved House Bill 675 Be Concurred In As Amended. The motion carried on a roll call vote (attachment #4) with Senators Anderson, McCallum, and O'Hara voting no.

HOUSE BILL 295

Senator McCallum moved to amend the bill as per the committee report (attachment #5). The motion carried unanimously.

Senator McCallum moved House Bill 295 Be Concurred In As Amended. The motion carried unanimously.

HOUSE BILL 298

Senator Fasbender moved House Bill 298 Be Amended as per the attached committee report (attachment #6). The motion carried unanimously.

Senator Fasbender moved House Bill 298 Be Concurred In As Amended. The motion carried unanimously.

HOUSE BILL 453.

Senator Fasbender moved House Bill 453 be amended as per the attached committee report (attachment #7). The motion carried unanimously.

Senator Fasbender moved House Bill 453 Be Concurred In As Amended. The motion carried with Senator Thomas voting no.

The committee closed executive session and moved to the regularly scheduled hearing. The following bills were heard: House Bill 864
House Bill 634

HOUSE BILL 864 REPRESENTATIVE DAILY

Representative Daily, sponsor of the bill, stated the bill is an act to allow the Superintendent of Public Instruction and the Board of the Public Education to adopt a specialist certificate.

PROPOSERS

John Voorhies, representing the Office of Public Instruction, presented his testimony in favor of the bill to the committee (attachment #8).

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Harriett Meloy, representing the Board of Public Education, stated the support of the Board for the bill.

T. Carl Johnson, Executive Secretary of the School Administrators of Montana, urged support of the bill.

Leonard Sargent, representing the Montana School Boards Association, urged support of the bill.

George Camp, representing the University of Montana and the Montana Association of School Psychologists, presented his testimony in support of the bill to the committee (attachment # 9).

Don Nockleby, representing the Montana School Psychology Services, urged support of the bill. He stated the bill is an effort to provide quality services to children. He said the bill is talking about a master's level of qualification whereas school psychologists are paid on a teacher's scale. This bill doesn't raise salaries, but it does establish basic competencies. Now, school psychologists have no authority to work outside the special education program which keeps them from servicing the regular educational student.

Bob Runkel, Montana Association of School Psychologists, stated he agreed with Nockleby's testimony. He has been a school psychologist for three years and assured the committee the qualifications do need to be bettered. He said some students are being sent down the wrong educational track and if some certified standards are established, that could be corrected.

Mary Beneventi, Helena School Psychologist, stated she has been a school psychologist for 20 years and has seen good and bad psychologists come along. She supports the bill in that she only wants to see good ones.

There being no further proponents and no opponents, the hearing on House Bill 864 was closed.

HOUSE BILL 634 REPRESENTATIVE EUDAILY

Representative Eudaily, sponsor of the bill, said Montana has been involved historically in vocational education in Montana. The three primary phases have been 1) the establishment of secondary vocational education in 1919; 2) from 1939- 1964, districts began post-secondary schools with the shared responsibilities of the Office of Public Instruction, local districts and the Board of Public Education; and 3) in 1969 the legislature

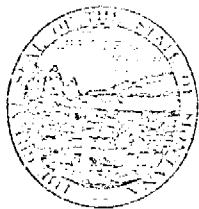
SENATE EDUCATION COMMITTEE
March 16, 1979

HOUSE BILL 634 REPRESENTATIVE EUDAILY

The proposed relegislation clarifies the governing procedures, the financial management, and raises the mill levy allowed for vocational education centers. The Board of Public Education is charged with the authority to coordinate and govern the operations of vocational education centers. The Superintendent of Public Instruction is responsible for administrating the boards authority and a new position of State Director of Vocational Education is created for the purpose of representing and studying the needs of the state's vocational education centers for planning purposes. The local school districts administer the plans of the State Director in accordance with the Director's regulations and the policies of the Board of Education. The mill levy allowed for operation of vocational education centers is increased from 1 to 2 mills and new sections are added specifying the sources of funds to be used for vocational education centers, raising the mill levy for vocational educational centers from 1 to 2 mills, and allowing additional levies in certain cases.

HOUSE BILL 864 REPRESENTATIVE DAILY

This bill allows the Superintendent of Public Instruction and the Board of Public Education to certify professionals who do not teach, but provide services for special education, such as speech therapy. Under existing law, such professionals cannot technically be hired by school districts because they do not have a teaching certificate. By creating a specialist certificate such persons will be legal. Several other sections of law are amended to clarify that specialists are subject to the same laws and rights, with the exception of tenure, as teachers.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

March 14, 1979

TO: Senator Bob Brown
Chairman, Senate Education Committee

FROM: Superintendent of Public Instruction -
John R. Voorhis, Manager, Teacher Education & Certification

-RE: House Bill No. 864

The State Superintendent supports H.B. 864.

The addition of this certificate into our certification system will allow the Board of Public Education to certify people who are serving a specialist function in the school district. These specialist functions are not appropriate for inclusion under our present classes of certificates for teachers, administrators and supervisors. This piece of legislation is general enough to allow the Board of Public Education to consider future requests for certification from those groups who are serving in these specialist functions and authorize them if the needs of the public schools warrant their inclusion.

At the present time, there are three basic problems that this legislation will address.

1. School districts frequently employ specialists such as school psychologists who will call themselves psychologists when applying for a position but do not meet the guidelines for special education funding. This creates problems for the school districts, for the individual involved and for students. A specialist certificate will ensure that they have met common minimum standards and provide evidence to employers that they are employable.
2. Some of these specialists, such as school psychologists, are involved in situations that result in litigation; i.e., special education study teams. A certificate legitimizes their position and indicates their professional status which frequently is needed to resolve these cases positively.
3. The accreditation process requires a listing of personnel. These people are frequently listed and appear to be misassigned because they have no certificate. This legislation would provide clarity for the districts in accreditation.

We urge a "Do Pass" recommendation to resolve a growing problem.

JV:mr

DATE: March 16, 1979
TO: Senate Education Committee
FROM: George Camp, Assistant Professor of School Psychology, University
RE: House Bill 864

This bill permits (but does not require) certification of people working in the schools who are not trained as teachers. Without this, only persons trained as teachers can be certified, even though many are significant in the workings in the schools.

A good illustration of to whom the bill might apply is the profession of school psychology. School psychologists are not trained as teachers but are psychologists explicitly trained to work in schools. They work exclusively in the schools and are required by federal law to be involved in the placement of children into Special Education. More than 100 percent are employed in Montana now for this purpose. They are also significant contributors to the educational programming of non-special education children. Just as it is important to review and credential the qualifications of people teaching in and administering our schools, it is important to carefully credential school psychologists. Poorly-qualified people increase the likelihood of poor decisions and even lawsuits.

School psychologists have actively pursued this legislation for two sessions now. But it is not for their personal gain. We have not sought a licensing law where we would regulate ourselves as a profession. We have sought a means by which the responsible state agency could regulate quality. At last count, 44 states certified their school psychologists by the same regulatory agency that certified their teachers.

That this is an effort for standards relating to quality and not personal gain is further emphasized by the explicit exclusion from tenure rights of persons holding specialist certificates.

In the last session when a similar bill was presented, it aroused confusion regarding accreditation. Accreditation standards do not require school psychologists, nor is it likely they will for some time to come. So a school district who can't get a certified specialist in school psychology cannot lose its foundation program support.

Another issue that came up was the thought that such standards might be high enough to make it difficult to get qualified people. A number of means of avoiding that problem are available.

1. The Montana Association of School Psychologists would propose standards which would permit experienced school psychologists to be certified.

Senate Education Committee
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2. Those standards would also provide time for school psychologists with limited training and experience to obtain the appropriate training.
3. MASP and the University of Montana would work cooperatively to provide the necessary training opportunities.
4. The University of Montana now has a formal program to train Master's degree school psychologists.

I solicit your support for this quality of education oriented legislation.

SENATE EDUCATION COMMITTEE

March 16, 1979

6:40 p.m.

The Senate Education Committee met in executive session on Friday, March 16, 1979, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 6:40 p.m. Committee members present were Senators Brown, Ed Smith, Thomas, O'Hara, Richard Smith, Anderson, Fasbender, McCallum, and Blaylock with Senator Severson absent.

The following bills were acted on: House Bill 864
House Bill 634.

HOUSE BILL 864

Senator Fasbender moved to amend the bill as per the attached committee report (attachment #1). The motion carried unanimously with Senator Severson absent.

Senator McCallum moved House Bill 864 Be Concurred In As Amended. The motion carried with Senators Richard and Ed Smith voting no. Senator Severson was absent.

HOUSE BILL 634

Senator Fasbender moved to amend the bill as per the attached committee report (attachment #2). The motion carried unanimously with Senator Severson absent.

Senator Thomas moved House Bill 634 Be Concurred In As Amended. The motion carried unanimously with Senator Severson absent.

There being no further business, the committee adjourned.



Senator Bob Brown, Chairman

jdr

March 15, 1972

MR. President

We, your committee on Education

having had under consideration House Bill No. 354

Respectfully report as follows: That House Bill No. 354
third reading bill, be amended as follows:

1. Page 12, line 19.
Following: "(1)"
Strike: "(e)"
Insert: "(d)"

And, as so amended, BE CONCURRED IN

DO PASS

COMMITTEE OF THE WHOLE AMENDMENT

MR. CHAIRMAN: I MOVE TO AMEND

STATEMENT OF INTENT - HOUSE BILL No. 864

A statement of intent is required for House Bill No. 864 in that it delegates rulemaking and licensing authority to the Board of Public Education in Section 9.

The intent of this bill is to establish a certification category for non-teaching school personnel. It is not intended to restrict or authorize the practice of any profession outside of the public school system.

Specialist certificates may be developed in areas such as school psychology or school nursing.

Experience requirements for certification should range from 0 to 3 years depending upon the profession involved and the needs of the public schools. Education and training equivalencies may be considered for purposes of compliance with experience requirements.

Education and training standards should require no less than a bachelor's degree with some additional specialized training. Specialized training may include an appropriate internship or college-based training program.

The standards should require some degree of training or experience that is directly related to the practice of the profession in a school setting.

A state licensing board license may be made a Board of Education requirement for specialist certification.

STATEMENT OF INTENT RE: HB 864

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A state licensing board license may be made a board of

HOUSE BILL NO. 864

INTRODUCED BY DAILY, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC EDUCATION TO ADOPT A SPECIALIST CERTIFICATE; AMENDING SECTIONS 20-2-121, 20-3-205, 20-3-362, 20-4-101 THROUGH 20-4-106, 20-4-108 THROUGH 20-4-111, AND 20-4-201 THROUGH 20-4-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification, ~~specialist certification~~, and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher ~~or specialist~~ certificates and appeals from the denial of teacher ~~or specialist~~ certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of 20-1-302;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of 20-1-303 and 20-1-304;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(9) as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(10) consider applications for postsecondary vocational-technical center designation in accordance with the provisions of 20-7-311;

1 (11) for the purposes of postsecondary
2 vocational-technical centers, approve or disapprove programs
3 and budgets, direct the distribution of moneys in support of
4 such budgets, determine tuition rates and fees, and enter
5 into lease agreements or real property purchases in
6 accordance with the postsecondary vocational-technical
7 center provisions of the vocational education part of this
8 title;

9 (12) adopt policies for the conduct of special
10 education in accordance with the provisions of 20-7-402;

11 (13) perform any other duty prescribed from time to
12 time by this title or any other act of the legislature."

13 Section 2. Section 20-3-205, MCA, is amended to read:

14 "20-3-205. Powers and duties. The county
15 superintendent has general supervision of the schools of the
16 county within the limitations prescribed by this title and
17 shall perform the following duties or acts:

18 (1) determine, establish, and reestablish trustee
19 nominating districts and fill additional trustee position
20 vacancies in accordance with the provisions of 20-3-352,
21 20-3-353, and 20-3-354;

22 (2) administer and file the oaths of members of the
23 boards of trustees of the districts in his county in
24 accordance with the provisions of 20-3-307;

25 (3) fill by appointment any trustee position vacancies

1 when required under the provisions of 20-3-309;

2 (4) register the teacher or specialist certificate
3 ~~certificates~~ or emergency authorization of employment of any
4 person employed in the county as a teacher, specialist,
5 principal, or district superintendent in accordance with the
6 provisions of 20-4-202;

7 (5) act on each tuition application submitted to him
8 in accordance with the provisions of 20-5-301, 20-5-302,
9 20-5-304, and 20-5-311 and transmit the tuition information
10 required by 20-5-312;

11 (6) file a copy of the audit report for a district in
12 accordance with the provisions of 20-9-203;

13 (7) classify districts in accordance with the
14 provisions of 20-6-201 and 20-6-301;

15 (8) keep a transcript and reconcile the district
16 boundaries of the county in accordance with the provisions
17 of 20-6-103;

18 (9) fulfill all responsibilities assigned to him under
19 the provisions of this title regulating the organization,
20 alteration, or abandonment of districts;

21 (10) act on any unification proposition and, if
22 approved, establish additional trustee nominating districts
23 in accordance with 20-6-312 and 20-6-313;

24 (11) estimate the average number belonging (ANB) of an
25 opening school in accordance with the provisions of

20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(12) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(13) complete the budgets, compute the budgeted revenues and tax levies, give notices of the budget meetings, file final and emergency budgets, and fulfill such other responsibilities assigned to him under the provisions of this title regulating school budgeting systems;

(14) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(15) quarterly, unless otherwise provided by law, order the county treasurer to apportion state moneys, county school moneys, and any other school moneys subject to apportionment in accordance with the provisions of 20-9-212, 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

(16) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(3);

(17) calculate the estimated budgeted general fund sources of revenue in accordance with the provisions of 20-9-348 and the other general fund revenue provisions of the general fund part of this title;

(18) compute the revenues and the district and county

levy requirements for each fund included on each district's final budget and report such computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(19) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(20) for districts which do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

(21) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(22) act on district requests to allocate federal moneys for indigent children for school food services in accordance with the provisions of 20-10-205;

(23) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, or the rules of the superintendent of public instruction;

(24) administer the oath of office to trustees without

the receipt of pay for administering the oath;

(25) keep a record of his official acts; preserve all reports submitted to him under the provisions of this title; preserve all books and instructional equipment or supplies; keep all documents applicable to the administration of the office; and surrender such records, books, supplies, and equipment to his successor;

(26) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(a) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(b) the total receipts that were realized in each fund maintained by the district;

(c) the total expenditures that were made from each fund maintained by the district; and

(d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(27) hold meetings for the members of the trustees from time to time at which matters for the good of the districts shall be discussed."

Section 3. Section 20-3-362, MCA, is amended to read:

"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is formed as provided by 20-3-361, it shall have the power to:

(a) jointly employ a district superintendent under the provisions of 20-4-401;

(b) jointly employ teachers ~~and specialists~~ under the provisions of 20-4-201;

(c) open a junior high school under the provisions of 20-6-505;

(d) prescribe and administer joint administrative policy; and

(e) prorate all items of joint expense between the elementary and high school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of either district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the two districts."

Section 4. Section 20-4-101, MCA, is amended to read:

"20-4-101. System of teacher ~~and specialist~~ certification -- student teacher exception. (1) In order to establish a uniform system of quality education and to

1 ensure the maintenance of professional standards, a system
2 of teacher ~~and specialist~~ certification shall be established
3 and maintained under the provisions of this title and no
4 person shall be permitted to teach in the public schools of
5 the state until he has obtained a teacher certificate ~~or~~
6 ~~specialist certificate~~ or the district has obtained an
7 emergency authorization of employment from the state.

8 (2) The above certification requirement shall not
9 apply to a student teacher who is hereby defined as a
10 student enrolled in an institution of higher learning
11 approved by the board of regents of higher education for
12 teacher training and who is jointly assigned by such
13 institution of higher learning and the governing board of a
14 district or a public institution to perform practice
15 teaching in a nonsalaried status under the direction of a
16 regularly employed and certificated teacher.

17 (3) A student teacher, while serving such nonsalaried
18 internship under the supervision of a certificated teacher,
19 shall be accorded the same protection of the laws as that
20 accorded a certificated teacher and shall, while acting as
21 such student teacher, comply with all rules of the governing
22 board of the district or public institution and the
23 applicable provisions of 20-4-301 relating to the duties of
24 teachers."

25 Section 5. Section 20-4-102, MCA, is amended to read:

1 "20-4-102. Board of public education policies. To
2 effect an orderly and uniform system of teacher ~~and~~
3 ~~specialist~~ certification, the board of public education
4 shall, upon the recommendation of the superintendent of
5 public instruction and in accordance with the provisions of
6 this title, prescribe and adopt policies for the issuance of
7 teacher ~~or specialist~~ certificates. Such policies shall
8 provide for:

9 (1) reasonable training and experience requirements
10 for teacher, ~~specialist~~, supervisor, and administrative
11 certificates and endorsements thereon as provided by the
12 certification classification in 20-4-106;

13 (2) the renewal of teacher ~~or specialist~~ certificates
14 based on the same conditions prescribed for the initial
15 issuance of certificates;

16 (3) the conduct of hearings on teacher ~~or specialist~~
17 certification revocation, suspension, or denial;

18 (4) the issuance of emergency authorization to a
19 district to employ a person who is not the holder of a valid
20 teacher certificate as an instructor of pupils; and

21 (5) any other policy, not inconsistent with the law,
22 which is necessary for the proper operation of a system of
23 teacher ~~and specialist~~ certification."

24 Section 6. Section 20-4-103, MCA, is amended to read:

25 "20-4-103. Issuance of teacher ~~or specialist~~

1 certificates. The superintendent of public instruction shall
 2 issue all teacher and specialist certificates in the state
 3 of Montana. In issuing teacher or specialist certificates,
 4 the superintendent of public instruction shall comply with
 5 the provisions of this title and the teacher and specialist
 6 certification policies adopted by the board of public
 7 education. The superintendent of public instruction shall
 8 not issue a teacher or specialist certificate to any person
 9 who does not satisfy the qualifications or other
 10 requirements of this title and of the board of public
 11 education policies for teacher or specialist certification."

12 Section 7. Section 20-4-104, MCA, is amended to read:

13 "20-4-104. Qualifications. (1) Any person may be
 14 certified as a teacher when he satisfies the following
 15 qualifications:

16 (1)(a) He is 18 years of age or older but is not more
 17 than 70 years of age.

18 (2)(b) He has a certificate of a licensed physician
 19 attesting to his satisfactory health.

20 (3)(c) He is a citizen of the United States except as
 21 provided in 20-4-105.

22 (4)(d) He is of good moral and professional character.

23 (5)(e) He has completed the teacher education program
 24 of a unit of the Montana university system or an essentially
 25 equivalent program at an accredited institution in the

1 United States of equal rank and standing as that of any unit
 2 of the Montana university system, and such training shall be
 3 evidenced by at least a bachelor's degree and a
 4 certification of the completion of the teacher education
 5 program, except as provided for in 20-4-106(1)(d).

6 (6)(f) He has subscribed to the following oath or
 7 affirmation before an officer authorized by law to
 8 administer oaths:

9 "I solemnly swear (or affirm) that I will support The
 10 Constitution of the United States of America, The
 11 Constitution of the State of Montana, and the laws of the
 12 United States and the state of Montana and will, by precept
 13 and example, promote respect for the flag and the
 14 institutions of the United States and the state of Montana,
 15 reverence for law and order, and undivided allegiance to the
 16 government of the United States of America."

17 (2) Any person may be certified as a specialist when
 18 he satisfies the requirements of subsections (1)(a) through
 19 (1)(e)(i) and the requirement for a specialist certificate
 20 provided in [subsection (2) of section 9]."

21 Section 8. Section 20-4-105, MCA, is amended to read:

22 "20-4-105. Noncitizen teacher or specialist
 23 certification. (1) The superintendent of public instruction
 24 may issue a class 5 provisional certificate to a person who
 25 is not a citizen of the United States when:

(a) the trustees of a district request certification of such person; and

(b) he otherwise qualifies for at least a class 5 provisional certificate.

(2) The superintendent of public instruction also may issue an annual teacher or specialist certificate to a person who is not a citizen of the United States and who is an exchange teacher or specialist from a foreign country intending to return to that country."

Section 9. Section 20-4-106, MCA, is amended to read:

"20-4-106. Classifications of teacher and specialist certificates. (1) The superintendent of public instruction shall issue teacher certificates and the board of public education shall adopt teacher certification policies on the basis of the following classifications of teacher certificates:

(a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has completed a teacher education program which includes a bachelor's degree and a minimum of 1 year of study beyond such degree in a unit of the Montana university system or an equivalent institution. The professional certificate may be endorsed for elementary instruction, secondary instruction, or both and for specified subject fields on the basis of the applicant's academic and professional training and according

to the board of public education policy for teacher certification endorsement.

(b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the Montana university system or an equivalent institution. The standard certificate may be endorsed for elementary instruction, secondary instruction, or both and for specified subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher certification endorsement.

(c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified applicant who is the holder of a teacher certificate endorsed for teaching in the school or schools in which he would be an administrator or he would supervise. The applicant also shall possess the training and experience required by the policies of the board of public education for an endorsement as superintendent, principal, or supervisor.

(d) The class 4 vocational, recreational, or adult education certificate may be issued to an otherwise qualified applicant who has the qualifications of training and experience required by the United States office of

1 education or the qualifications required by the special
2 needs of the several vocational, recreational, or adult
3 education fields and who can qualify under the policy of the
4 board of public education for the issuance of this
5 classification of teacher certification.

6 (e) The class 5 provisional certificate may be issued
7 to an otherwise qualified applicant who can provide
8 satisfactory evidence of his intent to qualify in the future
9 for a class 1 or a class 2 certificate and who has completed
10 a 4-year college program or its equivalent and holds a
11 bachelor's degree from a unit of the Montana university
12 system or its equivalent. The provisional certificate may be
13 endorsed for elementary instruction, secondary instruction,
14 or both and for special subject fields on the basis of the
15 applicant's academic and professional training and according
16 to the board of public education policy for teacher or
17 specialist certification endorsement.

18 (2) The superintendent of public instruction shall
19 issue specialist certificates and the board of public
20 education shall adopt specialist certification policies. The
21 specialist certificate may be issued to an otherwise
22 qualified applicant who has the training, experience, and
23 license required under the standards of the board of public
24 education for the certification of a profession other than
25 the teaching profession.

1 ~~(2)(3)~~ For purposes of evaluating the qualifications
2 of applicants for either teacher or specialist certificates,
3 a year means the instructional period consisting of three
4 quarters or two semesters or other terms which are
5 recognized as an academic year by any unit of the Montana
6 university system or equivalent institution."

7 Section 10. Section 20-4-108, MCA, is amended to read:
8 "20-4-108. Term of teacher and specialist certificates
9 -- renewal. (1) Any teacher or specialist certificate issued
10 by the superintendent of public instruction shall bear the
11 dates of issue and validity and shall be valid for a term of
12 5 school fiscal years, except that class 5 provisional
13 certificates shall be valid for the number of years, up to a
14 maximum of 5 years, provided by the policies of the board of
15 public education. The period of validity for any certificate
16 shall begin on July 1 immediately preceding the date of
17 issue.

18 (2) Teacher and specialist certificates shall be
19 renewed for similar periods of time on the basis of the
20 board of public education policies for teacher and
21 specialist certification renewal."

22 Section 11. Section 20-4-109, MCA, is amended to read:
23 "20-4-109. Fees for teacher and specialist
24 certificates. Each person applying for the issuance or
25 renewal of a teacher or specialist certificate shall pay a

1 fee of \$2 for each school fiscal year that the certificate
2 will be valid. In addition to this fee, each person who has
3 never held any class of Montana teacher or specialist
4 certificate or for whom an emergency authorization of
5 employment has never been issued shall pay a filing fee of
6 \$2. Such fees shall be paid to the superintendent of public
7 instruction, who shall deposit the fees with the state
8 treasurer to the credit of the general fund."

9 Section 12. Section 20-4-110, MCA, is amended to read:

10 "20-4-110. Suspension, revocation, and denial --
11 appeals. (1) The board of public education shall have the
12 power and authority to suspend or revoke the teacher or
13 specialist certificate of any person for any of the
14 following reasons:

15 (a) any reason that would have required or authorized
16 the denial of the teacher or specialist certificate to such
17 person if it had been known at the time such certificate was
18 issued;

19 (b) by reason of incompetency, immorality,
20 intemperance, physical inability, or conviction of a felony
21 under state law; or

22 (c) by reason of the failure of the certificate holder
23 to comply with the terms of any contract between such holder
24 and the trustees of a district without the consent of the
25 trustees in writing or without good cause. Such breach of

1 contract shall constitute unprofessional conduct.

2 (2) Whenever a substantial reason for the suspension
3 or revocation of the teacher or specialist certificate of
4 any person is brought to the attention of the board of
5 public education, it shall afford the person an opportunity
6 to defend himself and his qualifications against the charge
7 before the board. The superintendent of public instruction
8 shall give a 30-day written notification to any person when
9 the board of public education intends to consider the
10 suspension or revocation of his certificate. The board of
11 public education shall implement an investigation of the
12 reasons for the suspension or revocation charge and then, if
13 the investigation warrants further action, conduct a hearing
14 in the manner provided by board of public education
15 policies.

16 (3) After a full investigation and proper hearing, the
17 board of public education may suspend or revoke the person's
18 teacher or specialist certificate, except that in cases of a
19 first violation under subsection (1)(c) above, the maximum
20 penalty shall not be more than a suspension of the person's
21 certificate for the current school fiscal year and the
22 ensuing school fiscal year.

23 (4) Whenever the superintendent of public instruction
24 denies the issuance or the renewal of a teacher or
25 specialist certificate to a person, he may appeal the denial

to the board of public education. The appeal shall be heard in the same manner provided for in this section for suspension or revocation and in accordance with the policies of the board of public education. The decision of the board of public education shall be final."

Section 13. Section 20-4-111, MCA, is amended to read:

"20-4-111. Emergency authorization of employment. (1)

Any district may request from the superintendent of public instruction an emergency authorization of employment for a person who is not the holder of a valid teacher or specialist certificate as an instructor of pupils when such district cannot secure the services of a person holding a valid certificate. The person shall have previously held a valid teacher or specialist certificate or shall meet the standards of preparation prescribed by the policies of the board of public education for and during such emergency.

Such emergency authorization of employment shall indicate:

(a) the district to which such authorization is issued;

(b) the person whom the district is authorized to employ;

(c) the endorsement for elementary or secondary instruction and the specific subject fields for which authorization to employ such person is given; and

(d) the school fiscal year for which such emergency

authorization of employment is given.

(2) Emergency authorization of employment of a person shall be valid for the school fiscal year identified on such authorization and may be renewed in accordance with the board of public education policies. A fee of \$2 and, if no teacher or specialist certificate or emergency authorization of employment has ever been issued for such person, a filing fee of \$2 shall be paid for the issuance of an emergency authorization of employment. The superintendent of public instruction shall deposit the fees with the state treasurer to the credit of the general fund.

(3) Emergency authorization of employment of a person may be revoked for good cause in accordance with the provisions of 20-4-110."

Section 14. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has been issued that qualifies such person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist shall be employed under written contract, and each contract of employment shall be authorized by a proper resolution of

1 the trustees and shall be executed in duplicate by the
2 chairman of the trustees and the clerk of the district in
3 the name of the district and by the teacher or specialist.

4 (2) No contract of employment with a teacher or
5 specialist shall require such teacher or specialist to teach
6 more than 5 days a week or on any holiday recognized by
7 20-1-305. No deduction shall be made from a teacher's or
8 specialist's salary by reason of the fact that a holiday
9 falls on a school day. Any teacher's or specialist's
10 contract made in conflict with the 5-days-per-week provision
11 of this section shall not be enforceable against the teacher
12 or specialist.

13 (3) Whenever the trustees of a county high school and
14 the trustees of the elementary district where the county
15 high school is located form a joint board of trustees under
16 the provisions of 20-3-361, such joint board of trustees may
17 execute a contract of employment with a teacher or
18 specialist who shall serve both districts. When such a
19 contract is executed, the two districts shall prorate the
20 compensation provided by such contract on the basis of the
21 total number of instructional hours expended by such teacher
22 or specialist within each district.

23 (4) Any contract executed under the provisions of this
24 section may contain the oath or affirmation prescribed in
25 20-4-104, and the teacher or specialist shall subscribe to

1 such oath or affirmation before an officer authorized by law
2 to administer oaths."

3 Section 15. Section 20-4-202, MCA, is amended to read:

4 "20-4-202. Teacher and specialist certification
5 registration. (1) Any person employed as a teacher,
6 specialist, principal, or district superintendent shall
7 register his certificate or the district shall register its
8 emergency authorization of employment for a teacher with the
9 county superintendent of the county wherein he is employed
10 in order to validate his employment status and permit
11 payment under his employment contract. If a teacher or
12 specialist does not register his certificate with the county
13 superintendent within 60 calendar days after the teacher he
14 begins to perform his services, he shall not be eligible to
15 receive any further compensation under his contract of
16 employment until he has registered his certificate. After
17 the schools of a district have been open for 60 calendar
18 days in the current school fiscal year, the county
19 superintendent shall notify each district of the county of
20 each teacher or specialist who has registered his current
21 valid certificate, and the district shall not pay any
22 teacher who has not registered his certificate until the
23 county superintendent does notify the district of such
24 registration.

25 (2) A teacher or specialist employed by a joint

district shall register his certificate with the county superintendent of the county in which he is teaching working."

Section 16. Section 20-4-203, MCA, is amended to read:

"20-4-203. Teacher tenure. Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher shall be deemed to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a comparable position of employment as that provided by the last executed contract with such teacher, unless:

(1) the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204; or

(2) the teacher will attain the age of 65 years before the ensuing September 1 and the trustees have notified the teacher in writing by April 1 that his services will not be needed in the ensuing school fiscal year, except that the trustees may continue to employ such a teacher from year to year until the school fiscal year following his 70th birthday."

-End-